IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.1616/2002.

Date of Decision :17.5.2007.

Khiali Ram. …Petitioner.

Versus:

H.P.S.E.B. and others. …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.R.D.Kaundal, Advocate.

For Respondent. Mr.Shrawan Dogra, Advocate.

Sanjay Karol, J (Oral).

The petitioner has assailed the award dated 21st July, 2001 passed by Labour Court in Reference No.189/98 and case titled as Khiali Ram Vs. H.P.S.E.B. on the ground that the learned Tribunal has wrongly held that the provisions of the Industrial Employment (Standing Orders)Act, 1946 are not applicable. It is also contended by the learned counsel for the petitioner that the juniors have been retained and even after his termination new persons have been employed by the respondents.

The provisions of the Standing Orders Act and the Standing Orders were applicable till 20th August, 1992 when the Notification under

[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

Section 14 exempting the applicability of all the provisions of the Act was issued in the gazette.

In this view of the matter, the award dated 21st July, 2001 is set aside and the matter is remanded back to the Tribunal for consideration of case of the petitioner's claim afresh. The Tribunal shall, after affording adequate opportunity to the petitioner, decide the reference/claim petition within a period of three months from today. It will be open for the parties to take all pleas as may be permissible in accordance with law . The writ petition is accordingly disposed of.

(Sanjay Karol),
Judge.

May 17, 2007(R)